

CHAPTER 10

Vehicles and Traffic

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ARTICLE 10-4

Model Traffic Code

Sec. 10-4-10. Short title.

This Article and the code herein adopted shall be known and cited as the *Municipal Traffic Code of Brighton, Colorado*, and all references throughout this Article to *the Code* or to *this Article* shall be construed to include the code adopted herein by reference. (Ord. 998 §1(part), 1979; Ord. 1498 §1, 1997)

Sec. 10-4-20. Adoption.

Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., as amended, there is hereby adopted by reference Articles I and II, inclusive, of the 1995 edition of the *Model Traffic Code for Colorado Municipalities*, promulgated and published as such by the Colorado Department of Transportation, Staff Traffic and Safety Projects Branch, 4201 East Arkansas Avenue, Denver, Colorado 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the City. The purpose of this Article and the code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the State and the nation. One (1) copy of the Model Traffic Code adopted herein is now filed in the office of the City Clerk, and may be inspected during regular business hours. (Ord. 998 §1(part), 1979; Ord. 1498 §2, 1997; Ord. 1589, 1999)

Sec. 10-4-40. Penalties.

The following penalties, set forth in full, shall apply to this Article.

(1) It is unlawful for any person to violate any of the provisions adopted in this Article.

(2) Every person convicted of a violation of any provision adopted in this Article shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not exceeding three hundred sixty-five (365) days, or by both such fine and imprisonment. (Ord. 998 §1(part), 1979; Ord. 1428 §2, 1992; Ord. 1498 §4, 1997)

Sec. 10-4-50. Application.

This Article shall apply to every street, alley, sidewalk, area, driveway, park and every other public way, public place or public parking area, whether within or outside the corporate limits of the City, the use of which the City has jurisdiction and authority to regulate. The provisions of Sections 1211, 1401 and 1413 and Part 16 of the adopted Model Traffic Code respectively concerning limitations on backing, reckless driving, careless driving, eluding a police officer, accidents and accident reports shall apply not only to public places and ways but also throughout the City. (Ord. 998 §1(part), 1979; Ord. 1498 §5, 1997; Ord. 1589, 1999)

Sec. 10-4-60. Interpretation.

This Article shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article and section headings of this Article and adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any

manner affect the scope, meaning or extent of the provisions of any Article or Section thereof. (Ord. 998 §1(part), 1979; Ord. 1498 §6, 1997)

Sec. 10-4-70. City Clerk's certification and posting.

The City Clerk shall certify to the passage of the ordinance codified in this Article and make not less than one (1) copy of the adopted code available for inspection by the public during regular business hours. (Ord. 998 §1(part), 1979; Ord. 1498 §7, 1997; Ord. 1589, 1999)

Sec. 10-4-80. Validity.

If any part of this Article is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Article. The City Council hereby declares that it would have passed the ordinance codified in this Article and each part thereof, irrespective of the fact that any one (1) part is declared unlawful. (Ord. 1498 §8, 1997)

Sec. 10-4-90. Repeal.

Existing or parts of ordinances or code sections covering the same matters as embraced in this Article are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this Article are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Article. (Ord. 1498 §9, 1997)

ARTICLE 10-5

Parking on Private Property

Sec. 10-5-10. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

(1) *Implied consent* shall be deemed to have been given persons parking their vehicles in privately owned parking lots open for public use when persons park vehicles in such parking lots for the purpose of patronizing or otherwise associating with the entities or businesses at such sites. It shall be prima facie evidence that a person parking a vehicle did not have the implied consent of the owner, manager or person in lawful possession or control of the parking lot to so park if:

- a. The business and entity associated with the parking area is closed, or the person parking the vehicle did not during the period of parking in such parking lot patronize a business or businesses associated with the parking area;
- b. The vehicle is parked in an area specifically marked to prohibit parking; or
- c. The vehicle is parked in violation of specifically marked spaces allocated in apartment or condominium complex parking areas.

(2) *Vehicle* means and includes motor vehicles, as defined under Colorado law, and trailers, truck trailers, recreational trailers, wagons, carts, mobile homes, boats, boat trailers, tent trailers, horse trailers, minihomes, Class A motor homes and detached pickup campers. (Ord. 1233 §1(part), 1986; Ord. 1589, 1999)

Sec. 10-5-20. Parking on private property restricted.

It is unlawful for any person to keep, store or park a vehicle, as defined in this Article, whether occupied or not (otherwise than temporarily for the purpose of, and while actually engaged in, loading or unloading deliveries), in a private driveway, school parking lot, condominium complex parking lot, business parking lot, or on otherwise private property without the express or implied consent of the owner, manager or person in lawful possession or control of such property. (Ord. 1233 §1(part), 1986)

Sec. 10-5-30. Vehicle subject to tow.

(a) Any vehicle parked in violation of this Article which blocks the movement of other vehicles parked in the immediate vicinity or moving through the immediate vicinity, or parked in such a manner as to block driveways, exits, access to garages or the movement of other vehicles in parking areas regulated hereunder, is subject to tow regardless of whether or not the subject parking area is posted regarding towing of illegally parked vehicles.

(b) When permanent signs are posted on property described in Section 10-5-20 in substantial compliance with the Uniform Traffic Control Device Manual of the City, in a conspicuous location warning persons parking vehicles that improperly parked vehicles on such property are subject to tow, vehicles parked in violation of this Article shall be subject to immediate removal and disposition by the City in accordance with the provisions of Part 16, Article 4 of Title 42, C.R.S., relative to removal and disposition of vehicles by and under authority of the City. (Ord. 1233 §1(part), 1986)

Sec. 10-5-40. Enforcement.

This Article is in addition to the tow remedies provided for herein, and shall be enforced by any police officer or code enforcement officer of the City by issuance of a summons and complaint pursuant to established parking violation procedures as provided in Article 10-11 of this Code. (Ord. 1233 §1(part), 1986)

ARTICLE 10-6

Fire Lanes

Sec. 10-6-10. Restrictions on use of designated fire lanes.

No person shall stop, stand, or park a vehicle or permit a vehicle to be stopped or parked within a designated fire lane on any street, private way, parking lot or at any other place within the City. (Ord. 1234 §1(part), 1986)

Sec. 10-6-20. Designated fire lane defined.

Designated fire lane, as used in this Article, means a location determined by the Fire Chief, and marked with an official sign in order to provide access for fire-fighting equipment. (Ord. 1234 §1(part), 1986; Ord. 1589, 1999)

Sec. 10-6-30. Traffic sign.

A standard traffic parking sign erected in the City to designate a fire lane is presumed to be an official sign unless otherwise shown by competent evidence. (Ord. 1234 §1(part), 1986)

ARTICLE 10-7

Recreational Vehicles

Sec. 10-7-10. Prohibition of recreational vehicles on public rights-of-way.

No boat, boat trailer, trailer, travel trailer, tent trailer, horse trailer, minihome, Class A motor home or detached pickup camper shell shall be kept, stored or parked on any public right-of-way or on any right-of-way or street within a mobile home park for a period in excess of forty-eight (48) hours. (Ord. 1380 §1(part), 1991)

Sec. 10-7-20. Recreational vehicles on private property.

No boat, boat trailer, trailer, travel trailer, tent trailer, horse trailer, minihome, Class A motor home or detached pickup camper shell shall be kept, stored or parked in the front setback of any property within four (4) lineal feet of the inside edge of the sidewalk or within four (4) feet of the property line where no sidewalks exist. (Ord. 1380 §1(part), 1991)

Sec. 10-7-30. Violations; penalty.

Any person convicted of a violation of this Article may be punishable as provided by Article 1-24 of this Code. (Ord. 1380 §1(part), 1991; Ord. 1589, 1999)

ARTICLE 10-8

Inoperable Vehicles

Sec. 10-8-10. Inoperable vehicles prohibited.

The outdoor placement or storage of any inoperable vehicle, as defined in Section 10-8-20, upon any lot or parcel of property not specifically zoned for such use in the City, or upon any street, alley or public right-of-way within the City, is unlawful and is declared a nuisance. (Ord. 1236 §1(part), 1986; Ord. 1335 §2, 1989)

Sec. 10-8-20. Inoperable vehicle defined.

As used in this Article, *inoperable vehicle* means any automobile, motor vehicle or self-propelled vehicle, and every vehicle intended primarily for operation on public highways which is incapable of moving under its own power and which the owner or possessor thereof cannot establish as being capable of travel under its own power in its existing condition, and which:

- (1) Has been in the same location for a period of ten (10) consecutive days or more; or

(2) Is partially or totally dismantled, wrecked or damaged or lacking proper equipment to the extent that it would be unlawful or unsafe to use on the public streets and highways. (Ord. 1236 §1(part), 1986)

Sec. 10-8-30. Prima facie evidence of inoperable vehicle.

The fact a vehicle has been in-the same location for a period of ten (10) consecutive days or more shall be prima facie evidence that the vehicle is not operable. Furthermore, the fact that a vehicle displays no valid Colorado license plates or valid state emissions sticker is prima facie evidence that the vehicle is inoperable. (Ord. 1236 §1(part), 1986)

Sec. 10-8-40. Abatement.

Any vehicle constituting a nuisance as provided in this Article may be abated pursuant to the provisions of Part 16, Article 4 of Title 42, C.R.S., relative to the removal and disposition of vehicles by and under the authority of the City. Abatement of such nuisance is in addition to any other remedies or penalties provided for in Article 1-24 of this Code. (Ord. 1236 §1(part), 1986)

Sec. 10-8-50. Prohibited storage or placement.

(a) No person shall store or place, or permit, allow or suffer to be stored or placed, any vehicle that is a nuisance as provided in this Article, upon property that he or she owns, manages or controls within the City.

(b) No person shall store or place, or permit, allow or suffer to be stored or placed, any vehicle that is a nuisance as provided in this Article, upon any street, alley, highway or public right-of-way within the City; and any vehicle found so stored or placed shall be presumed to have been so stored or placed there by the registered owner of the vehicle and shall be subject to immediate removal and disposition by the City in accordance with the provisions of Part 16, Article 4 of Title 42, C.R.S., relative to removal and disposition of vehicles by and under authority of the City.

(c) For purposes of enforcement of this Article, all adult persons residing in a single-family residence shall be deemed to be in control of the premises upon which the residence is located.

(d) Apartment complex parking lot areas and grounds shall be deemed to be under the control of the owner of the complex and of any manager of the complex.

(e) In a condominium complex where the common-space elements are not allocated individually, it shall be presumed that any vehicle found on the premises in violation of this Article was placed there by its registered owner and is under the control of the chief officer of the condominium association or management of the complex. (Ord. 1236 §1(part), 1986; Ord. 1589, 1999)

Sec. 10-8-60. Exception.

This Article shall not apply to the following:

(1) To the outdoor storage or placement of inoperable vehicles as defined herein, which are specifically permitted under the zoning ordinances of the City, including variances or permits obtained through the processes provided for in the zoning ordinances of the City;

(2) To motor vehicle collector's items as defined and regulated by Article 15 of Title 42, C.R.S. (Ord. 1304 §1, 1988)

Sec. 10-8-70. Penalties.

Any person found guilty or pleading guilty or nolo contendere to violating any provisions of this Chapter shall be punishable by a fine of not more than three hundred dollars (\$300.00) or by incarceration of not more than ninety (90) days in jail, or both. No written or verbal notice or warning of violation shall be required prior to a criminal prosecution for violation of this Chapter, and such prosecution may occur regardless of whether nuisance abatement procedures are or are not commenced. (Ord. 1335 §3, 1989; Ord. 1589, 1999)

ARTICLE 10-9

Parking of Oversized Vehicles

Sec. 10-9-10. Keeping, storing or parking of certain vehicles.

It is unlawful for any person to park, keep or store any truck tractor, tractor trailer, semitrailer, truck of two (2) tons carrying capacity or more, construction equipment or tow truck on any public right-of-way in the City or on private property in any residential zone district or mobile home park district in the City, except while the operator of such vehicle is making deliveries in the normal course of business, the vehicle is being used in conjunction with construction on or adjacent to the location of such vehicle, the vehicle is stopped for emergency repairs, or the vehicle is being utilized as an on-call response vehicle by a public utility, or except for a truck trailer that is parked or kept within a structure that is in existence on the effective date of the ordinance codified in this Article. (Ord. 1237 §1(part), 1986)

Sec. 10-9-20. Nuisance.

The keeping, storing or parking of such vehicle in violation of Section 10-9-10 is declared to be a nuisance. (Ord. 1237 §1(part), 1986)

Sec. 10-9-30. Abatement.

Any vehicle found in violation of Section 10-9-10 shall be presumed to have been parked or stored there by the registered owner of the vehicle and shall be subject to immediate removal and disposition in accord with the provisions of Part 16, Article 4, of Title 42, C.R.S., relative to removal and disposition of vehicles by and under the authority of the City. (Ord. 1237 §1(part), 1986)

ARTICLE 10-10

Permits for Parking of Vehicles

Sec. 10-10-10. Permit authorized.

A permit for the parking on private property for those vehicles restricted pursuant to Articles 10-7 and 10-8 of this Code may be granted as provided in this Article, except that no such permit shall be granted for the parking of any trailer or mobile home prohibited by a zoning ordinance of the City. (Ord. 1238 §1(part), 1986)

Sec. 10-10-20. Vehicle defined.

For purposes of this Article, *vehicle* means and includes boat/boat trailer, trailer, travel trailer, tent trailer, horse trailer, minihome, Class A mobile home, detached pickup camper and every vehicle as defined in Article 10-8. (Ord. 1238 §1(part), 1986)

Sec. 10-10-30. Conditions for issuance of permit.

The following conditions shall apply for all permits issued pursuant to this Article:

- (1) Such permit shall be granted only for the property at which the applicant resides.
- (2) The permit shall be valid only for the specific vehicle described in the application and the specific location for which it is granted. Any change of vehicle or of location shall require a new application.
- (3) Only two (2) such permits shall be allowed for a residence at any one (1) time.
- (4) The vehicle authorized by permit shall be parked on a durable and dustless surface described as follows: concrete and asphalt, or the equivalent, including river rock where previously installed and properly maintained and contained (small gravel and cut asphalt shingles are not acceptable); where a parking area does not have direct access to a public street (that is, the parking area gets its access from an existing on-site concrete or asphalt drive); and large gravel is acceptable provided that the material is of a sufficient size and depth to provide a durable surface and the area is properly maintained and contained.
- (5) No part of the vehicle shall extend beyond any lot line, obstruct any public or private walk or block access of emergency equipment to the side and rear yards of the property.
- (6) When the vehicle is parked, its parking permit shall be displayed in its front and rear window so as to be clearly visible from the street.
- (7) When the vehicle is parked, its engine shall not be run for a total of more than fifteen (15) minutes between the hours of 10:00 p.m. and 7:00 a.m. (Ord. 1238 §1(part), 1986)

Sec. 10-10-40. Application.

An application for such parking permit shall be submitted to the Director of Community Development and shall include:

- (1) The name, address and telephone number of the applicant, which applicant must reside on the subject property and be either the registered owner of the vehicle or otherwise responsible for it;
- (2) A plot plan of the property, including the proposed parking location of the vehicle;
- (3) If the applicant is not the owner of the subject property, a statement of approval signed by the owner of the property on which the vehicle is to be parked;
- (4) The make, model, year of manufacture, color, vehicle identification number, license plate number and state of registration of the vehicle;

(5) A list of the name and address of the principal resident of each property within a radius of one hundred (100) feet of the proposed parking location of the vehicle;

(6) A statement of approval signed by the principal resident of each property within a radius of one hundred (100) feet of the proposed parking location of the vehicle agreeing that such residents have no objection to the granting of the permit; and

(7) An application fee of twenty-five dollars (\$25.00). (Ord. 1238 §1(part), 1986)

Sec. 10-10-50. Consideration for granting permit.

The Director of Community Development shall review the application and, in reaching his or her decision as to whether the permit shall be granted, shall consider the following:

(1) The concerns and desires of the residents of the immediate neighborhoods;

(2) Any unnecessary and substantial hardship that may result from denial of the permit;

(3) Noise or odor problem which may result from the granting of such a permit;

(4) Alternate parking locations available to the applicant;

(5) Compatibility of the proposed parking of such vehicle with the neighborhood; and

(6) The public health, safety and welfare of the residents of the City. (Ord. 1238 §1(part), 1986)

Sec. 10-10-60. Conditions.

The Director of Community Development may impose such reasonable conditions as he or she deems appropriate for granting of the permit. (Ord. 1238 §1(part), 1986)

Sec. 10-10-70. Term of permit.

Any permit authorized pursuant to this Article shall be valid for a period of one (1) year and may be renewed subject to the terms and conditions provided for in this Article for initial application for such permit; except that in the event the City has received no valid complaints concerning parking of the subject vehicle during the previous permit period, the Director of Community Development shall grant a renewal of such permit without fee. (Ord. 1238 §1(part), 1986)

Sec. 10-10-80. Appeal of decision.

A decision of the Director of Community Development rendered pursuant to this Article may be appealed to the Zoning Board of Adjustment by any interested party within thirty (30) days of decision of the Director of Community Development, and such appeal shall be heard by the Zoning Board of Adjustment pursuant to notice, procedure and fee payments in the same manner as an application for a variance pursuant to the zoning ordinance of the City. (Ord. 1238 §1(part), 1986)

Sec. 10-10-90. Revocation of permit.

Any permit issued pursuant to this Article may be revoked for cause after notice to the applicant and hearing thereon. Such hearing on the revocation shall be conducted by the Director of

Community Development if the permit was issued by him or her and, if issued by the Zoning Board of Adjustment, such hearing shall be conducted by the Zoning Board of Adjustment. (Ord. 1238 §1(part), 1986)

ARTICLE 10-11

Illegally Parked Vehicles

Sec. 10-11-10. Summons and complaint for illegally parked vehicles.

If the driver or owner of an unattended vehicle charged with a violation of the provisions of this Code relative to keeping, storing and parking of vehicles in the City, does not respond within the time specified in the summons and complaint affixed to such vehicle by appearance or payment at the Traffic Violations Bureau, or appearance in the Municipal Court, the Clerk of the Court or Traffic Violations Bureau shall send a second notice by regular mail, postage prepaid to the last known address of such person, to which the original summons and complaint was directed, warning such person that in the event the summons and complaint are disregarded, a warrant of arrest for such person will be issued. The second notice shall contain a date and time certain for the named person to appear in Court. (Ord. 1239 §1, 1986)

ARTICLE 10-12

Railroads

Sec. 10-12-10. Maximum speed restricted.

No person shall move, drive or propel or cause to be moved, driven or propelled any railroad car or locomotive engine on or over any portion of a railroad through the City at a rate of speed exceeding forty (40) miles per hour except:

(1) That when in its course of movement a train or locomotive has reached and fully occupied the Bromley Lane or County Line Road crossings, the speed limit hereinabove imposed shall not thereafter apply to or restrict the speed of such movement; and further

(2) That the speed restriction herein imposed is not applicable and shall not be imposed upon that portion of the railroad located within the following-described area until such time as the following-described area becomes urbanized:

a. That portion of Union Pacific Railroad right-of-way extending south of Bromley Lane to the southernmost City limit boundary; and

b. That portion of Union Pacific Railroad right-of-way extending north of County Line Road to the northernmost City limit boundary. (Ord. 1093 §1, 1982; Ord. 1589, 1999)

Sec. 10-12-20. Obstruction of public right-of-way.

No person shall obstruct or cause or permit the obstruction of the free passage on any public right-of-way within the City by means of any railroad car or locomotive engine, for a period of time exceeding five (5) consecutive minutes. (Ord. 806 §2, 1975; Ord. 1589, 1999)

Sec. 10-12-30. Violation; penalty.

Any person convicted of a violation of this Article may be punishable as provided by Article 1-24 of this Code. (Ord. 806 §2, 1975)